

EXHIBIT 10

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUN 18 2007

FILED
CLERK'S OFFICE

DOCKET NO. 1789

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE FOSAMAX PRODUCTS LIABILITY LITIGATION

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-25)

On August 16, 2006, the Panel transferred four civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 444 F.Supp.2d 1347 (J.P.M.L. 2006). Since that time, 56 additional actions have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable John F. Keenan.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of New York and assigned to Judge Keenan.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the order of August 16, 2006, and, with the consent of that court, assigned to the Honorable John F. Keenan.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Jeffery N. Lüthi
Clerk of the Panel

**SCHEDULE CTO-25 - TAG-ALONG ACTIONS
DOCKET NO. 1789
IN RE FOSAMAX PRODUCTS LIABILITY LITIGATION**

<u>DIST. DIV. C.A.#</u>	<u>CASE CAPTION</u>
CALIFORNIA CENTRAL	
CAC 2 07-3490	Illene Bujdoso, et al. v. Merck & Co., Inc., et al.
CAC 2 07-3492	Francis Finch, et al. v. Merck & Co., Inc., et al.
CAC 2 07-3493	Bennie Horton, et al. v. Merck & Co., Inc., et al.
CAC 2 07-3495	Frank Martin, et al. v. Merck & Co., Inc., et al.
CAC 2 07-3497	Cecilia Smith, et al. v. Merck & Co., Inc., et al.
FLORIDA MIDDLE	
FLM 8 07-965	Nancy Anderson v. Brite Dental Corp., et al.
NEW YORK NORTHERN	
NYN 3 07-590	Terrie J. Watkins v. Merck & Co., Inc.
NEW YORK WESTERN	
NYW 6 07-6278	Dorothy C. Resutek v. Merck & Co., Inc.

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DOCKET NO. 1789
IN RE FOSAMAX PRODUCTS LIABILITY LITIGATION

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